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10/595,111	08/20/2007	Brett Schundler	5579 103UA 28079 USA	2808

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EXAMINER
HUANG, MIRANDA

ART UNIT	PAPER NUMBER
2157	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@foxrothschild.com

	Application No.	Applicant(s)
	10/595,111	SCHUNDLER, BRETT
Office Action Summary	Examiner	Art Unit	
	MIRANDA HUANG	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2007*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *2/17/2006*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

60496518DETAILED ACTION

This office action is in response to submission of application on 8/20/2007.

Applicant's claim for the benefit of a prior-filed PCT application PCT/US04/27142

which claims benefit of 60/496,518 submitted on 8/20/2003 is acknowledged.

Claims 1-21 are presented for examination.

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or

under 35 U.S.C. 120, 121, or 365(c) is acknowledged. While Applicant will be given the benefit

of PCT/US04/27142, Applicant will not be given benefit of the provisional application

60/496518 since the provisional application does not include any common inventors with the

instant application.

Drawings

The Drawings filed on 2/17/2006 are acceptable for examination purposes.

Information Disclosure Statement

The information disclosure statement filed on 2/17/2006 is in compliance with the

provisions of 37 CFR 1.97, and has been considered and a copy is enclosed with this Office

Action.

Specification

The disclosure is objected to because of the following informalities:

The specification includes a priority claim to provisional application No.60/496518. In

view of the indication above, this claim of priority is improper and should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States
before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled
the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the
applicant for patent.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lenard. (U. S.

Patent Application Publication 2004/0109557).

As to claim 1, Lenard discloses a communications management method for a distributed

call center, comprising:

providing a managing server; [Fig. 1 (112) telephony switch/media server and (116)

dialer]

providing a display device located geographically distant from said managing

server;[[0028] "Each agent will normally be stationed at a computer terminal" computer

terminal is display device; and [0051] "the dialer 116 is internationally applied and can comply

with regulatory issues that vary country-by-country." the dialer can be integrated to the agent's

communication device as illustrated in [0029], thus the system including the agent's display

device can be located geographically distant from the server.]

providing a communications device, located in proximity to said display device;[Fig. 1

(116) Dialer, [0029] "the dialer...can be integrated into...each agent's communication device...can

be any suitable predictive dialing system..."]

providing an operator capable of operating said communications device; [[0023] "agent

pool 120 (which is a pool of human agents, each with one or more communication interfaces or

devices)"]

sending a message template and prospect identification information related to a prospect

from said managing server to said display device; [[0029]"the dialer can be...integrated into the

telephony switch/media server and/or each agent's communication device" illustrates

information on dialer can be at the media server. Fig. 1 (148) contact list, [0032] " The contact

list typically contains a list of party identifiers (such as names, addresses.."); and [0050] "the

dialer can...play pre-recorded message" wherein the pre-recorded message is the template.]

displaying, on said display device, said message template and said identification

information; [[0029] "the dialer...can be integrated into...each agent's communication device."

and Fig. 1 (148) contact list, [0032] " The contact list typically contains a list of party identifiers

(such as names, addresses.."); and [0050] "the dialer can...play pre-recorded message" wherein

the pre-recorded message is the template.]

initiating communication with said prospect, by said operator, using said identification

information and said communications device; [[0028] "the dialer 116 will wait for confirmation

from the agent before a contact is placed to ensure that the agent is ready."]

creating a customized message using said message template and said prospect

identification information; [0050] "The dialer can…contact parties in the contact list and leave

text and/or play pre-recorded voice messages" and [0032] "The contact list typically contains a

list of party identifiers (such as names, addresses, customer key, customer identifier, account

number, and the like) and contact information (e.g., one or more of contact numbers and/or

addresses) for each identified party."]

conveying, by said operator, said customized message to said named prospect; [[0050]

"The dialer can…contact parties in the contact list and leave text and/or play pre-recorded voice

messages"]

As to claim 2, Lenard discloses method of claim 1, further comprising recording a

response of said prospect by said operator, and sending said recorded response to said managing

server.[[0023] "contacts are placed from the contact center 100 to predetermined parties at the

remote communication devices 108a, 108b, . . . , 108n to attempt to obtain a desired response

from the contacted parties."] and[0031] "The contact processor 136 manages…the recording of

responses..." And [0029]"the dialer can be…integrated into the telephony switch/media server

and/or each agent's communication device"]

As to claim 3, Lenard discloses the method of claim 1, wherein said prospect

identification information comprises a name of said prospect and a prospect locator chosen from

the group consisting of a telephone number, an e-mail address and instant messaging

address.[[0032] "The contact list typically contains names, address…" and [0048] "the contact

list include… telephone number… email address, an instant message ID"]

As to claim 4, Lenard discloses the method of claim 2 further comprising providing a list

of volunteers electronically stored on said managing server, said list of volunteers comprising

names and contact information related to said volunteers; [Fig. 1. (120) Agent Pool connected to

(112) media server, [0028] "The agents within the agent pool 120 are preferably human

employees of the contact center that are trained to solicit desired responses from the public"]

and selecting said operator from said list of volunteers.[[0015] "The agent…can further

determine where and when to contact the party." Illustrates agent is the operator]

As to claim 5, Lenard discloses the method of claim 4, further comprising providing a list

of prospect electronically stored on said managing server, said list of prospects comprising said

prospect identification information.[Fig. 1 (148) contact list, [0032] " The contact list typically

contains a list of party identifiers (such as names, addresses..") and [0029] "The dialer 116…can

be integrated into the telephony switch/media server"]

As to claim 7, Lenard discloses the method of claim 4, further comprising pre-qualifying

said list of prospects [[0038] "In decision diamond 228, the contact filtration agent 144 reads the

party's preferences from the presence information and determines whether or not it is desirable to

contact the party"], said prequalifying comprising contacting said prospects using an automated

communication system,[[0050] "The dialer can, for example, contact parties in the contact list

and leave text and/or play pre-recorded voice messages, all without the involvement of a live

agent."] and obtaining responses from said prospects related to an issue. [[0038] "The party may

have specified that he or she is willing to receive telemarketing contacts only regarding certain

subjects (e.g., certain product types, service types, charity types, relating to existing business

arrangements")]

As to claim 8, Lenard discloses a distributed call center system [Fig. 1], comprising

a managing server; [Fig. 1 (112) telephony switch/media server and (116) dialer]

a display device located geographically distant from said managing server; ;[[0028]

"Each agent will normally be stationed at a computer terminal" computer terminal is display

device]

a communications device, located in proximity to said display device, capable of being

operated by an operator; ;[Fig. 1 (116) Dialer, [0029] "the dialer...can be integrated into...each

agent's communication device...can be any suitable predictive dialing system..."]

a first communications module capable of sending a message template and prospect

identification information related to a prospect from said managing server to said display device;

[[0029]"the dialer can be…integrated into the telephony switch/media server and/or each agent's

communication device" illustrates information on dialer can be sent from the server to the

agent's device. Fig. 1 (148) contact list, [0032] " The contact list typically contains a list of party

identifiers (such as names, addresses..") illustrates prospect identification information; and

[0050] "the dialer can...play pre-recorded message" wherein the pre-recorded message is the template.]

a display module capable of displaying, on said display device, said message template and said identification information; [[0028] "Each agent will normally be stationed at a computer terminal" and [0029] "the dialer...can be integrated into...each agent's communication device." Wherein the dialer includes Fig. 1 (148) contact list, [0032] " The contact list typically contains a list of party identifiers (such as names, addresses.."); and [0050] "the dialer can...play pre-recorded message" wherein the pre-recorded message is the template.]

a customized message comprising said message template and said prospect identification information; [0050] "The dialer can...contact parties in the contact list and leave text and/or play pre-recorded voice messages"]

a communication link between said operator and said prospect, [Fig. 1 (154) network] capable of being initiated by said operator [[0028] "the dialer 116 will wait for confirmation from the agent before a contact is placed to ensure that the agent is ready."] using said identification information and said communications device, whereby said customized message is conveyed to said named prospect by said operator. [[0050] "The dialer can...contact parties in the contact list and leave text and/or play pre-recorded voice messages"]

As to claim 9, Lenard discloses the system of claim 8, further comprising recording a recording module capable of recording a response of said prospect by said operator and a second communication module capable of sending said recorded response to said managing server, and [[0023] "contacts are placed from the contact center 100 to predetermined parties at the remote

communication devices 108a, 108b, . . . , 108n to attempt to obtain a desired response from the

contacted parties." And [0031] "The contact processor 136 manages…the recording of

responses..." And [0029]"the dialer can be…integrated into each agent's communication device",

thus transferred back to media server via the link between media server and agent pool.]

As to claim 10, applicant is referred to the citation referred to claim 3 above.

As to claim 11, applicant is referred to the citation referred to claim 4 above.

As to claim 12, applicant is referred to the citation referred to claim 5 above.

As to claim 14, applicant is referred to the citation referred to claim 7 above.

As to claim 15, Lenard discloses a distributed call center apparatus, [Fig. 1] comprising

a managing server; [Fig. 1 (112) telephony switch/media server and (116) dialer]

a display device located geographically distant from said managing server;[[0028] "Each

agent will normally be stationed at a computer terminal" computer terminal is display device]

a first communications means for sending a message template and prospect identification

information related to a prospect from said managing server to said display device; [[0029]"the

dialer can be…integrated into the telephony switch/media server and/or each agent's

communication device" illustrates information on dialer can be sent from the server to the

agent's device. Fig. 1 (148) contact list, [0032] " The contact list typically contains a list of party

identifiers (such as names, addresses..") illustrates prospect identification information; and

[0050] "the dialer can...play pre-recorded message" wherein the pre-recorded message is the template.]

a display means, located in proximity to said data-receiving device, for displaying said message template and said identification information;[[0028] "Each agent will normally be stationed at a computer terminal" computer terminal is display device]

a communication means, located in proximity to said display device, capable of being operated by an operator; [[0028] "the dialer 116 will wait for confirmation from the agent before a contact is placed to ensure that the agent is ready."]

a customized message comprising said message template and said prospect identification information; and [0050] "The dialer can...contact parties in the contact list and leave text and/or play pre-recorded voice messages"]

a communication means, capable of being initiated by said operator using said identification information and said communications device, for conveying, by said operator, said customized message to said named prospect. [[0050] "The dialer can...contact parties in the contact list and leave text and/or play pre-recorded voice messages"]

As to claim 16, Lenard discloses the apparatus of claim 15, further comprising recording a recording a response of said prospect by said operator, and a second communication means for sending said recorded response to said managing server. [[0023] "contacts are placed from the contact center 100 to predetermined parties at the remote communication devices 108a, 108b, . . . , 108n to attempt to obtain a desired response from the contacted parties." And [0031] "The contact processor 136 manages...the recording of responses..." And [0029]"the dialer can

be…integrated into each agent's communication device", thus transferred back to media server via the link between media server and agent pool.]

As to claim 17, Lenard discloses the apparatus of claim 16, wherein said prospect identification information comprises a name of said prospect and a prospect locator chosen from the group consisting of a telephone number, an email address and instant messaging address. .[[0032] "The contact list typically contains names, address…" and [0048] "the contact list include… telephone number… email address, an instant message ID"]

As to claim 18, applicant is referred to the citation of above claim 4.

As to claim 19, applicant is referred to the citation of above claim 5.

As to claim 21, Lenard discloses the method of claim 15, further comprising a pre-qualifying means capable of prequalifying said list of prospects. [Fig. 1 (144) contact filtration agent and [0038] "the contact filtration agent 144 reads the party's preferences from the presence information and determines whether or not it is desirable to contact the party"]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 13 and 19 and are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lenard in view of Mears et al. (U.S. Pat. 7,092,509).

As to claim 6, Lenard discloses the method of claim 5, further comprising said list of

volunteers based on said recorded responses [[0034] "contact processor 136, based on

predetermined agent availability rules..." predetermined agent availability rules can be recorded

responses] wherein and said list of prospects with relevance on an issue [[0038] "the contact

filtration agent 144 reads the party's preferences...The party may have specified that he or she is

willing to receive telemarketing contacts only regarding certain subjects (e.g., certain product

types, service types, charity types, relating to existing business arrangements"] and wherein said

sending comprises providing a higher ranked volunteer with said prospect identification

information related to a higher ranked prospect. [[0034]" With reference to FIG. 2, the contact

processor 136, based on predetermined agent availability rules, determines that a contact is to be

made to a target customer."]

However, Lenard does not disclose ranking said list of volunteers based on recorded

responses and ranking said list of prospects in order of relevance on an issue.

Mears discloses a similarly structured call center that prioritize agent and customers

according to a set of criteria and makes the best match when placing the best customers with best

available agent. See Col.10 Line 7-13 "the contact center system 100 prioritizes the contact and

sends it to the agent queue. Based on the priority ranking for customer type, customer media

type, agent skill needed, or type of contact, all of which are set up in advance by the system

administrator, the contact is moved higher and higher in the queue. Thus, the best customers can

be handled quickly, and by the best available agent."

It would have been obvious to one of ordinary skill in the art at the time of invention to

modify Lenard to include the teachings of Mears, enabling better successful rate and customer

satisfaction by matching the agents and customers based on rankings according their profiles.

As to claim 13, applicant is referred to the citation referred to claim 6 above.

As to claim 19, applicant is referred to the citation referred to claim 6 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MIRANDA HUANG whose telephone number is (571)270-7092.

The examiner can normally be reached Monday through Thursday and every other Friday from

9:00AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Kim, can be reached at 571 272-7421. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/
Primary Examiner, Art Unit 2169

/M. H./
Examiner, Art Unit 2157
4/25/2010